



NEWS

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.
See MCI v. FCC, 515 F.2d 385 (D.C. Circ 1974).

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FCC AND VIACOM INC. ENTER INTO \$3.5 MILLION CONSENT DECREE CONCERNING INDECENCY RESTRICTIONS

Washington, D.C.: - The Federal Communications Commission today entered into a \$3.5 million Consent Decree with Viacom Inc. ("Viacom") and certain of its subsidiaries to resolve investigations into whether Viacom broadcast stations, as well as non-Viacom owned affiliates of the CBS Television Network and UPN, had aired obscene, indecent, and/or profane material in violation of the Communications Act and Commission rules.

As part of the agreement, Viacom admits that some of the material that it broadcast was indecent, in violation of 47 C.F.R. § 73.3999. In addition to the \$3.5 million payment to the U.S. Treasury, Viacom has committed to implementing a company-wide Compliance Plan aimed at preventing future violations.

The Consent Decree resolves pending Notices of Apparent Liability, Forfeiture Orders, Enforcement Bureau investigations, and third-party complaints for possible violations of 18 U.S.C. § 1464 and 47 C.F.R. § 73.3999 except for the \$550,000 NAL released September 22, 2004 concerning the broadcast of the February 1, 2004 Super Bowl XXXVIII halftime show, which is expressly excluded from the scope of the Consent Decree.

The pending Notices of Apparent Liability covered by the Consent Decree are a \$357,500 NAL released October 2, 2003, a \$27,500 NAL released March 18, 2004, and a \$21,000 NAL released June 7, 2002. The pending Forfeiture Orders covered by the Consent Decree are a \$7,000 Forfeiture Order released March 2, 2001, and a \$27,500 Forfeiture Order released December 8, 2003.

Action by the Commission: November 23, 2004, Order (FCC 04-268). Chairman Powell and Commissioners Abernathy, Copps, Martin and Adelstein. Commissioners Copps and Martin concurring and issuing separate statements. Commissioner Adelstein issuing a statement.

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**CONCURRING STATEMENT OF
COMMISSIONER MICHAEL J. COPPS**

Re: Viacom Inc.

I concur in the decision to adopt this settlement agreement. As I have stated about previous consent decrees, however, I am concerned about the effect of today's decision on the Commission's license renewal process. The totality of a broadcaster's record is pertinent and should be considered when licenses are renewed. Today's decision takes an entire part of the record off the table. It is bad enough that our re-licensing process has degenerated to the point where the Commission generally does not even look at a station's public file or inquire further into the station's service to its community unless a citizen of that particular community brings an issue to our attention. Today, the Commission tells those citizens that some information is no longer relevant in evaluating a broadcaster's overall performance in its community.

I would also sound a cautionary note that the Commission has gone down this road before with Infinity Broadcasting which is now part of Viacom. At that time, the Commission praised the steps Infinity took to ensure compliance with the indecency laws. Yet, today, we are once again settling numerous indecency complaints against Infinity and its parent company, Viacom. Going forward, I urge my colleagues to accord prompt and vigorous attention to any future listener or viewer complaints against this licensee.

**CONCURRING STATEMENT OF
COMMISSIONER KEVIN J. MARTIN**

Re: Viacom Inc.

Today, the Commission issues a consent decree with Viacom for several pending indecency complaints. This consent decree differs significantly from others which we have recently reached involving indecency complaints. For example, the consent decrees that we signed with both Clear Channel Communications and Emmis Communications – which were identical to each other – require more concrete actions to protect against and deter the airing of inappropriate material in the future. By contrast, this consent decree does not have all of these protections. I am concerned that this consent decree is significantly different and may be less of a deterrent for future violations. Moreover, by requiring less of Viacom than we have required of others, we may be treating those other companies unfairly.

**STATEMENT OF
COMMISSIONER JONATHAN S. ADELSTEIN**

Re: Viacom Inc.

I support today's action. By admitting that certain broadcasts violated our indecency rules, by making a sizable contribution to the U.S. Treasury, and by entering into a company-wide compliance plan involving training, internal investigations and suspensions, and delay mechanisms, Viacom has renewed its commitment to prevent the broadcast of indecent material on its stations. Faithful adherence to the compliance plan should obviate the need for Commission enforcement in this area. Given Infinity Broadcasting's history with the Commission, we will expect strict adherence to today's agreement.

While this consent decree involves a number of matters concerning Infinity Broadcasting, CBS, UPN, and other Viacom entities, I am satisfied that the Bureau conducted preliminary investigations into each of those matters and understood the full extent of the possible violations and the suitability of the remedy.